

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

STATE FARM MUTUAL
AUTOMOBILE INSURANCE
COMPANY,

Plaintiff,

Case No. 2:16-cv-13040
District Judge Avern Cohn
Magistrate Judge Anthony P. Patti

v.

ELITE HEALTH CENTERS, INC.,
ELITE CHIROPRACTIC, P.C., ELITE
REHABILITATION, INC., MIDWEST
MEDICAL ASSOCIATES, INC., PURE
REHABILITATION, INC., DEREK L.
BITTNER, D.C., P.C., MARK A.
RADOM, DEREK LAWRENCE
BITTNER, D.C., RYAN MATTHEW
LUKOWSKI, D.C., MICHAEL P.
DRAPLIN, D.C., NOEL H. UPFALL,
D.O., MARK J. JUSKA, M.D.,
SUPERIOR DIAGNOSTICS, INC.,
CHINTAN DESAI, M.D., MICHAEL J.
PALEY, M.D., DEARBORN CENTER
FOR PHYSICAL THERAPY, L.L.C.,
MICHIGAN CENTER FOR
PHYSICAL THERAPY, INC., and
JAYSON ROSETT

Defendants.

**ORDER DENYING ELITE DEFENDANTS' MOTION TO DETERMINE
THE SUFFICIENCY OF STATE FARM'S OBJECTIONS AND TO
COMPEL FULL AND COMPLETE RESPONSE TO THE SECOND
REQUEST FOR ADMISSION SERVED ON MARCH 30, 2018 (DE 131)**

This matter is before the Court for consideration of Elite Defendants' motion to determine the sufficiency of State Farm's objections and to compel full and complete response to the second request for admission served on March 30, 2018 (DE 131), State Farm Mutual Automobile Insurance Company's (State Farm Mutual) response (DE 162) and the joint statement of resolved and unresolved issues (DE 251). All discovery matters have been referred to me for hearing and determination (DE 229), and a hearing was held on this motion on March 22, 2019, at which the Court entertained oral argument regarding the unresolved issues.

Upon consideration of the motion papers and oral argument, and for all of the reasons stated on the record by the Court, which are herein incorporated by reference as though fully restated herein, Elite Defendants' motion to determine the sufficiency and to compel (DE 131) is **DENIED** and Plaintiff's objection to the Request to Admit at issue as being an impermissible attempt to utilize Rule 36 as a general discovery device is **SUSTAINED**.

Finally, the Court declines to award costs because both sides' positions were substantially justified and required rulings from the Court. As such, an award of costs would not be appropriate or just in this matter.

IT IS SO ORDERED.

Dated: March 25, 2019

s/ *Anthony P. Patti*

Anthony P. Patti
UNITED STATES MAGISTRATE JUDGE

Certificate of Service

I hereby certify that a copy of the foregoing document was sent to parties of record on March 25, 2019, electronically and/or by U.S. Mail.

s/Michael Williams

Case Manager for the
Honorable Anthony P. Patti